

22 October 1954

MEMORANDUM FOR: Assistant Director for Personnel

SUBJECT : Your Memorandum to Deputy Director (Administration)
dated 19 October 1954, in re Request for Payment for
Transportation of Household Goods and Personal Effects -
25X1A9a M/Sgt. [REDACTED] with Attachments A and B

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1. [REDACTED] Chief, Military Personnel Division,
delivered the subject papers to this office on 20 October, and requested
that appropriate action be taken to resolve the matter of the claim of
25X1A9a [REDACTED], as documented therein.

2. I have briefed Colonel White on the problem, since the proposal
made in the subject memorandum suggests that adjudication be considered
in the light of Colonel White's authority under [REDACTED] paragraph 9. 25X1A
He has asked me to state that while he is anxious to do anything possible
to expedite handling of this case, in view of his interest in the larger
problem of morale of military personnel, he feels that the case is not
complete for the following reasons:

a. Nowhere in the subject memorandum is there mention of
the amount of money involved in the request for payment. On
checking with Passenger Movements Branch, Logistics Office, I
learned that, in fact, [REDACTED] household goods and 25X1A9a
personal effects (hereinafter referred to as "effects") were
moved to Washington from Concord, New Hampshire, in September
1954, in accordance with advice received from the Military
Personnel Division, as referred to in paragraph 1 of the subject
memorandum. Further, I was advised that [REDACTED] has 25X1A9a
turned over to Passenger Movements Branch a bill from the for-
warding company in the amount of \$376.51, of which \$335.61
represents moving costs on 5,800 pounds of goods and effects,
and the balance is storage charges that have been and are
accumulating at a rate approximating \$22.00 per month, until
25X1A9a such time as [REDACTED] is able to secure release of his
property. This he is apparently unable to do because of lack
of funds, and/or his feeling that he should not be obliged to
make such payment.

b. Although the subject memorandum states, in reference
25X1A9a to [REDACTED]'s transfer to [REDACTED] in February 1952, "Con- 25X1A6a
current travel of dependents was not authorized," this fact
does not appear to be borne out by reference (a) of the memorandum,

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mentioned in the subject above, which includes a copy of [redacted] Travel Orders for this movement. Under the section of the Travel Orders appropriate to movement of dependents, the blocks devoted to establishing the time for travel of dependents are not checked at all. Since this case will probably hinge on an interpretation of the Joint Travel Regulations, section 8009, 4b(2) and (3), wherein certain shipments are approved for payment when dependents are not permitted to join the traveler within 20 weeks, the status of the dependent travel appears not to have been properly established. The only reason advanced by the Chief/FE, in his memorandum of 2 August 1954, to DD/P-Admin (Reference (a) of subject memorandum) as being instrumental in the decision to permit

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[redacted] to store his goods and effects in Concord, New Hampshire, was that "storage space was at a premium in Washington (in 1952)." It would be appreciated if further documentation were provided for the contention that the Sergeant's dependents were not authorized to travel concurrently with him, in order that the basic provisions of the Joint Travel Regulations, section 8009, 4b(2) and (3) can be applied to the Washington-Concord phase of the subject shipment, thus establishing further reasoning to support any claim for their shipment back to this city, under Joint Travel Regulations, section 8009, 4b(6).

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c. Additionally, the documentation does not state whether or not the reported 5,800 pounds of effects in question represent [redacted] total accumulation of such effects, or whether he traveled to [redacted] accompanied by the 3,000 pounds of effects authorized in his Travel Orders. If he did not take advantage of the authority to ship 3,000 pounds to [redacted] but decided to send everything to New Hampshire, then the maximum liability that the Agency could have under any circumstances apparently would be limited to that portion of his possessions in excess of 3,000 pounds, for if he elected to travel without effects, when shipment of effects was authorized, it cannot be shown that the Agency failed to make provision for the entire weight of 5,800 pounds.

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d. Also needed for proper background appears to be the memorandum dated 12 August 1954, from DD/P-Admin to the General Counsel, cited in Reference (b) of the subject memorandum, in which the General Counsel was asked for an opinion as to the propriety of Agency payment for the return of [redacted] effects from Concord to Washington. It may be that in this paper justification for non-concurrent travel of dependents was established, or that further light may have been shed on the matter raised in paragraph 2.c, above.

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3. Finally, I want to state again that this office is anxious to do everything possible to make sure that this matter is expeditiously disposed of, in view of the month-by-month growth of [REDACTED] claim, based on continued storage charges. Colonel White has said that he believes our course of action should be guided by the general premise that no individual from the Armed Services on duty with us be penalized in any form for such service, but that his rights and allowances be commensurate with those he would receive with his parent service. However, as the reverse of that premise, he does not believe that service with this Agency constitutes authority for such an individual to receive preferential treatment or rights and allowances in excess of that which would be granted him by his parent service.

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4. On receipt of the additional documentation requested herein, this case will be referred again to the General Counsel, with a request that they review their opinion of 19 August 1954. Such review may establish that the matter can be resolved most expeditiously and appropriately by means of an amendment to [REDACTED] original Travel Orders, or it may establish the basis upon which a determination can be made under [REDACTED]

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5. Finally, nothing said herein constitutes criticism, real or implied, of the courses of action followed by the Military Personnel Division. We are aware of the need for establishing guidelines for their use in difficult cases such as this, and hope that the eventual outcome of this case will enable other military personnel and administrative officers in area divisions to avoid the pitfalls inherent in matters such as this, both in their original handling and/or in their subsequent presentation for payment under appropriate special powers granted this Agency.

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[REDACTED]
Special Assistant to the
Deputy Director (Administration)

cc (2) - Chief, Military Personnel Division - *w/hasie*

SA-DD/A:JAC:mrp (22 October 1954)

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